

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
at CHATTANOOGA

CHARLES A. BUTLER,	)	
	)	
Petitioner,	)	
	)	
v.	)	No. 1:04-cv-365
	)	<i>Edgar</i>
VIRGINIA LEWIS, Warden,	)	
	)	
Respondent.	)	

**MEMORANDUM AND ORDER**

Petitioner has filed a petition for the writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner was convicted in 1988 of aggravated assault, first degree burglary, and robbery by use of a deadly weapon. He previously filed a § 2254 petition attacking the same conviction. The previous petition was denied on the merits. *Charles A. Butler v. David Mills, Warden*, Civil Action No. 1:95-cv-356 (E.D. Tenn. December 12, 1996), *certificate of appealability denied*, No. 97-6055 (6th Cir. June 10, 1998), *cert. denied*, 525 U.S. 1150 (1999).

In accordance with the Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA), effective April 24, 1996, the petitioner cannot file a second or successive § 2254 petition in the district court until he has moved in the United States Court of Appeals for the Sixth Circuit for an order authorizing the district court to consider the petition. This court has not received an order from the Sixth Circuit authorizing the court to consider the pending petition. Accordingly, the Clerk is **DIRECTED** to transfer this action to the United States

Court of Appeals for the Sixth Circuit, pursuant to 28 U.S.C. § 1631. *See In re Sims*, 111 F.3d 45 (6th Cir. 1997).

SO ORDERED.

ENTER this *18th day of May, 2005*.

/s/ R. Allan Edgar

R. ALLAN EDGAR  
CHIEF UNITED STATES DISTRICT JUDGE